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Agenda item 8

DRAFT REPORT

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Addendum

PROGRAMME QUESTIONS: PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1998-1999 (item 4 (a))

Section 6. Legal affairs

1. At its 26th meeting, on 30 June 1997, the Committee for Programme and Coordination considered section 6, Legal affairs, of the proposed programme budget for the biennium 1998-1999.

Discussion

2. Delegations expressed firm support for and reaffirmed the importance of the activities of the section. Some delegations also welcomed the streamlining of the Treaty Section through technological enhancement, which would improve the timeliness of publication of treaties.

3. In connection with subprogramme 4, Law of the sea and ocean affairs, several delegations, while taking note of the establishment of two new treaty organs, namely, the International Tribunal for the Law of the Sea and the International Seabed Authority, were greatly concerned about the considerable reductions in both human and financial resources proposed under the subprogramme. They felt that this subprogramme remained vital, taking into account, in particular, the increasing need of assistance to States on the implementation of the United Nations Convention on the Law of the Sea, and requested confirmation from the representative of the Secretary-General that the

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reduced resources proposed would be sufficient for the Secretariat to carry out the work programme during the biennium 1998-1999 as mandated by the General Assembly. Another delegation pointed to the imbalance in resources proposed under the subprogramme compared with other activities undertaken by the Office of Legal Affairs, where minimal reductions and increases were proposed. One delegation, while appreciating the redeployment of resources to other areas in view of changing structure, expressed the view that further reductions might be possible under the subprogramme. The Committee was informed that the establishment of the two new treaty organs mentioned above had resulted in a significant reduction of work under the subprogramme and that changes reflecting current needs were proposed following careful and thorough consideration of the mandates determined by the General Assembly. The Committee was assured that the Secretariat would be able to implement those mandates within the resources proposed.

4. One delegation referred to paragraph 4.18 of subprogramme 4.3, Progressive development and codification of international law, of the medium-term plan for the period 1998-2001, which set out a number of measures that the Codification Division must undertake in order to implement the activities requested by the General Assembly in its resolutions 49/60 and 50/53 on the Declaration on Measures to Eliminate International Terrorism. That delegation noted that there was no reference in paragraph 6.57 to activities related to measures to eliminate terrorism. In that connection, the delegation suggested adding the following sentence at the end of paragraph 6.57 of the programme narrative:

> "In connection with the first objective, the Division has responsibility for undertaking further work to implement General Assembly resolutions 49/60 and 50/53 on the Declaration on Measures to Eliminate International Terrorism and thus to follow up closely the implementation of paragraph 10 of the Declaration and to submit annual reports thereon."

5. One delegation noted with concern the increase in resources for programme support, which was not in line with the expressed wish of Member States to reduce resources under that component in the proposed programme budget. Another delegation questioned the number of meetings proposed for the States parties to the United Nations Convention on the Law of the Sea and felt that it could be reduced. One delegation sought clarification on the extent of activities in which the Office of Legal Affairs was involved in various areas such as procurement, the implementation of the new Code of Conduct, as outlined in paragraph 6.45 (a), and the legal advice provided regarding the administration of the International Tribunals for the Former Yugoslavia and Rwanda mentioned in paragraph 6.33.

6. Under subprogramme 1, one delegation noted the reclassification of the post of Deputy to the Legal Counsel to D-2 and the change of funding of the post from extrabudgetary resources to regular budget, and indicated that all mandated activities should be funded from the regular budget. The Committee was informed that the Office provided services to peacekeeping operations and other programmes of the Organization, such as the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA), which were funded from voluntary contributions, and that it was appropriate for those extrabudgetary programmes to reimburse the

Organization for services it provided. Another delegation queried the increase in the resources for travel under the same subprogramme. Another delegation noted the impact of the budget reductions during the biennium 1996-1997 on the implementation of mandated programmes under section 6 and expressed concern that, in view of the level of resources proposed for 1998-1999, the Office might continue to operate at the same low level as in the biennium 1996-1997. Another delegation, while appreciating the work of the Office and the quality and dedication of its staff, expressed the hope that, in the light of recent developments, the plan would be adjusted to reflect the completion of the convention on the non-navigational uses of international watercourses mentioned in paragraph 6.64 (b) (i).

7. One delegation underlined the importance of legal publications and requested clarification of the omission of any reference in paragraph 6.5 to the work undertaken by the Codification Division to update and publish the summaries of judgments, advisory opinions and orders of the International Court of Justice.

8. As regards the activities related to the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, one delegation emphasized the importance of seminars, practical courses and fellowships. That delegation suggested an increase in resources for those activities. The same delegation questioned, in particular, the absence of provision in paragraph 6.71 of travel subsidies for those purposes. Such provisions had been included in the programme budget for the biennium 1996-1997.

Conclusions and recommendations

9. The Committee decided to recommend to the General Assembly the approval of the programme narrative of section 6, Legal affairs, of the proposed programme budget for the biennium 1998-1999, subject to the following modification: in paragraph 6.58, after the word "Awards", the words "the dates of summaries of judgments, advisory opinions and orders of the International Court of Justice" should be inserted.